



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

March 06, 2001

REPLY TO  
ATTENTION OF:  
ENVIRONMENTAL ANALYSIS SECTION

SUBJECT: Distribution of documents for public review.

Dear Sir/Madam:

The U.S. Army Corps of Engineers, Buffalo District distributes various environmental documentation pertaining to numerous water resource projects in accordance with the public review requirements of the National Environmental Policy Act, Clean Water Act, and other appropriate and relevant environmental protection statutes. These reports are regularly sent to Federal, State and local agencies, Native American tribes, as well as interested organizations and individuals.

In order to improve customer service and increase efficiency, we are transitioning to a process where we will distribute environmental documents and electronically. You now have the option of receiving an electronic version of our reports or receiving notification of when reports are available to be downloaded from the World Wide Web. Look under the "Hot Topics" category on the Buffalo District web page at <http://www.lrb.usace.army.mil> to view documents currently available for public review. If you do not have the capability to receive documents electronically, you still have the option of receiving them in hard copy.

Please complete the enclosed postcard indicating your preference by 16 April 2001. If you need any additional information, please contact Ms. Traci L. Clever of the Environmental Analysis Section by calling (716) 879-4490; E-Mail: [traci.l.clever@usace.army.mil](mailto:traci.l.clever@usace.army.mil); Fax: (716) 879-4355, or by writing to her attention at the above address.

Sincerely,

David J. Conboy, P.E.  
Team Leader  
Environmental Analysis Section

Enclosure



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO  
ATTENTION OF:  
ENVIRONMENTAL ANALYSIS SECTION

**PROJECT:** Times Beach Dredged Material Disposal Site (Times Beach) Feasibility Study, City of Buffalo, Erie County, New York.

**SCOPING FACT SHEET**

1. Introduction. Implementation of the National Environmental Policy Act (NEPA) requires that Federal agencies initiate "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action." The U.S. Army Corps of Engineers, Buffalo District (Corps of Engineers) initiated the Times Beach project in January 2001. The purpose of this initial Scoping Fact Sheet is to disseminate information on the Times Beach feasibility study to establish an open process of communication among all involved and interested parties at the outset of the feasibility study. The Corps of Engineers will coordinate an updated Scoping Fact Sheet midway through the feasibility study after the formulation of project alternatives.
2. Study Location. The approximately 50 acre Times Beach site is located on the Lake Erie waterfront at the mouth of the Buffalo River in the City of Buffalo, New York (Figure 1).
3. Study Purpose and Description. The Times Beach Dredged Material Disposal Site was constructed by the U.S. Army Corps of Engineers in 1971 to contain dredged sediment from the Buffalo River and Harbor that was determined to be unsuitable for open-lake disposal. Dredged sediments were deposited in the Times Beach site over a 4-year period from 1972-1976. Deposited sediments contain varying concentrations of organic and inorganic pollutants originating from industries along the Buffalo River and Harbor.

Since disposal operations ceased over twenty years ago, the landscape within Times Beach has transformed into a unique natural resource appreciated by the local and regional community for its ecological, scientific and recreational value in an otherwise urban industrial setting.

The primary purpose of the Times Beach feasibility study is to investigate an array of measures and alternative plans for 1) ecosystem restoration; 2) repair/improvement of the perimeter dike; 3) public access and use of the site; and the "No Action" alternative. The alternative plans will be evaluated for their cost-effectiveness, engineering feasibility, environmental acceptability and overall support by Federal, state, and local agencies and the general public.

The study will be conducted in accordance with feasibility study guidelines contained in the Planning Guidance Notebook (ER 1105-2-100) and other pertinent Corps of Engineer regulations and guidance.

Two primary products will be provided as a result of the study. The first product, the feasibility study report, will be called a Detailed Project Report (DPR). The purpose of the DPR is to document the overall feasibility study effort and reach a conclusion concerning what alternative should be implemented. The other major product will be an Environmental Assessment (EA)/Finding of No Significant Impact (FONSI). The purpose of the EA/FONSI is to fully evaluate the environmental impacts of the alternative plans and to document compliance with all environmentally related laws and statutes in accordance with the National Environmental Policy Act of 1969 (NEPA).

4. Study Objectives. The following objectives have been developed for the Times Beach feasibility study:
  - Elimination of the biological pathways for heavy metals and organo-chlorine compounds.
  - Restoration and enhancement of the wetland and aquatic zones.
  - Perimeter dike repair and/or improvement.
  - Establish and enhance public access.
  - Develop Times Beach as a nature sanctuary.
  - Provide public access during construction by the use of boardwalks.
  - Develop a public access plan as soon as possible.
5. Alternative Plans. The formulation of specific measures and alternative plans is presently underway and the developed alternatives will be outlined and described in the updated Scoping Fact Sheet. The “No Action” alternative described below will be used as the baseline to evaluate future project alternatives.
  - (a) No-Action Alternative: The Federal Government would do nothing to improve ecological conditions, repair/modify the dike structure, or facilitate public access and use of the Times Beach site.
6. Potential Impacts. The Corps of Engineers will evaluate alternative plans for environmental acceptability and overall support by Federal, state, and local agencies and the general public. The updated Scoping Fact Sheet will include a general assessment of the environmental impacts associated with each alternative plan.
7. National Environmental Policy Act (NEPA) Compliance. The Corps of Engineers completed an Environmental Statement in August 1972 for the Times Beach Dredged Material Disposal site (formerly known as Diked Disposal Area No. 2). This Environmental Statement is the only NEPA documentation completed for the Times Beach facility. An Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) will be prepared during the Times Beach feasibility study. The EA/FONSI will fully evaluate the

environmental impacts of the alternative plans and document compliance with all environmentally related laws and statutes particularly NEPA.

In addition to NEPA, any proposed activities must comply with other applicable and relevant Federal laws. Table 1 presents a comprehensive list of environmental protection statutes, executive orders, etc. Therefore, an additional intent of this initial Scoping Fact Sheet is to disseminate pertinent project information to meet all applicable coordination/consultation requirements required under their provisions. Table 2 lists the agencies, organizations, and other affected parties contacted for coordination.

8. Clean Water Act. The Corps of Engineers will complete a Section 404(a) Public Notice and Section 404(b)(1) Evaluation, as required under the Clean Water Act. In addition, USACE will apply for Section 401 Water Quality Certification from the New York State Department of Environmental Conservation (NYSDEC).
9. Coastal Zone Management Act. The Corps of Engineers will analyze the proposed actions at Times Beach with respect to the 44 management policies presented in Part II, Section 6 of the August 1982 State of New York Coastal Management Program and Final Environmental Impact Statement (FEIS). A Consistency Determination will be prepared and submitted to the New York State Department of State for concurrence.

10. Point of Contact: Traci L. Clever  
Biologist  
Environmental Analysis Section

Telephone No.: 716-879-4490  
Fax No.: 716-879-4355  
E-mail: traci.l.clever@usace.army.mil

You may review the preceding information and present any comments or recommendations in writing to Ms. Clever's attention at the following address:

Environmental Analysis Section  
U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207-3199

Please provide your comments/recommendations within 30 days from the date of this letter.  
Thank you for your involvement in this project.

David J. Conboy, P.E.  
Team Leader  
Environmental Analysis Section

**TABLE 1**  
**Federal Environmental Protection Laws, Orders, and Policies**

1. PUBLIC LAWS

- (a) American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- (b) Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- (c) Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- (d) Archaeological and Historic Preservation Act, P.L. 93-291; 16 U.S.C. 469, *et seq.* (Also known as the Reservoir Salvage Act of 1960, as amended; P.L. 93-291, as amended; the Moss-Bennett Act; and the Preservation of Historic and Archaeological Data Act of 1974.)
- (e) Bald Eagle Act; 16 U.S.C. 668.
- (f) Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- (g) Clean Water Act, P.L. 92-500; 33 U.S.C. 1251, *et seq.* (Also known as the Federal Water Pollution Control Act; and P.L. 92-500, as amended.)
- (h) Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- (i) Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- (j) Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- (k) Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- (l) Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- (m) Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- (n) Historic Sites of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- (o) Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- (p) Marine Mammal Protection Act of 1972, P.L. 92-522; 16 U.S.C. 1361, *et seq.*
- (q) Marine Protection, Research and Sanctuaries Act of 1972, P.L. 92-532; 33 U.S.C. 1401, *et seq.*
- (r) Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- (s) Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- (t) National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- (u) National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- (v) Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*

**TABLE 1**  
**Federal Environmental Protection Laws, Orders, and Policies**  
(continued)

- (w) Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- (x) River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (Also known as the Refuse Act of 1899.)
- (y) Submerged Lands Act of 1953, P.L. 82-3167; 43 U.S.C. 1301, *et seq.*
- (z) Surface Mining and Reclamation Act of 1977, P.L. 95-89; 30 U.S.C. 1201, *et seq.*
- (aa) Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- (bb) Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- (cc) Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

**2. EXECUTIVE ORDERS**

- (a) Executive Order 11593, Protection and Enhancement of the Cultural Environment. May 13, 1979 (36 FR 8921; May 15, 1971).
- (b) Executive Order 11988, Floodplain Management. May 24, 1977 (42 FR 26951; May 25, 1977).
- (c) Executive Order 11990, Protection of Wetlands. May 24, 1977 (42 FR 26961; May 25, 1977).
- (d) Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by Executive Order, 11991, May 24, 1977.
- (e) Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978.
- (f) Executive Order 12372, Intergovernmental Review of Federal Programs, July 14, 1982.
- (g) Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, August 3, 1993.
- (h) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (amended January 10, 1995).

**3. OTHER FEDERAL POLICIES**

- (a) Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act.
- (b) Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the National Inventory.
- (c) Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4).

**TABLE 2**  
**Coordination List**

Federal

Federal Emergency Management Administration  
Federal Maritime Commission  
Office of U.S. Congressman Jack Quinn  
U.S. Department of Agriculture  
    Natural Resource Conservation Service  
U.S. Department of Commerce  
    Office of the Secretary-ORSPC  
    National Oceanic and Atmospheric Administration  
U.S. Department of Energy  
U.S. Department of Housing and Urban Development  
U.S. Department of the Interior  
    Fish and Wildlife Service  
    Fish and Wildlife Service-Lower Great Lakes Fisheries Research Office  
    National Park Service-Northeast Regional Director  
U.S. Department of State  
U.S. Department of Transportation  
    Coast Guard Group-Buffalo  
U.S. Environmental Protection Agency  
    Region 2, Environmental Impacts Branch

State

New York State Department Of Health  
    Division of Environmental Health  
New York State Department of Environmental Conservation  
    Region 9, Division of Fish & Wildlife  
    Region 9, Regional Permit Administrator  
    Commissioner  
    Natural Heritage Program  
New York State Department of State  
    Coastal Management Program  
New York State Department of Transportation  
    Region 5, Regional Director  
    Highways, Aviation and Ports Division  
New York State Office of Parks, Recreation and Historic Preservation  
    Historic Preservation Field Office  
    Historic Preservation Officer  
    Environmental Management Branch



**TABLE 2**  
**Coordination List**  
(continued)

State (continued)

Niagara Frontier Transportation Authority  
Port Operations

County

Erie County Department of Environment and Planning  
Erie County Department of Public Works  
Erie County Water Authority

Local

City of Buffalo Department of Engineering  
City of Buffalo Engineer  
Office of Strategic Planning  
Office for the Environment  
City of Buffalo Law Department  
Buffalo Urban Renewal Agency  
City of Buffalo Office of the Mayor  
Buffalo & Erie County Historical Society  
City of Buffalo Community Development Department  
Planning Division-Environmental Review  
Empire State Development-WNY Economic Development  
Horizons Waterfront Commission  
City of Buffalo Department of Public Works

Regional/Other Interests

Olmstead Parks Conservancy  
Buffalo River Remedial Action Plan Committee  
League of Women Voters  
Friends of the Buffalo River  
Ducks Unlimited, Inc.  
URS Corporation Trout Unlimited-New York Council  
Audubon Society of Buffalo  
Sierra Club-Niagara Group



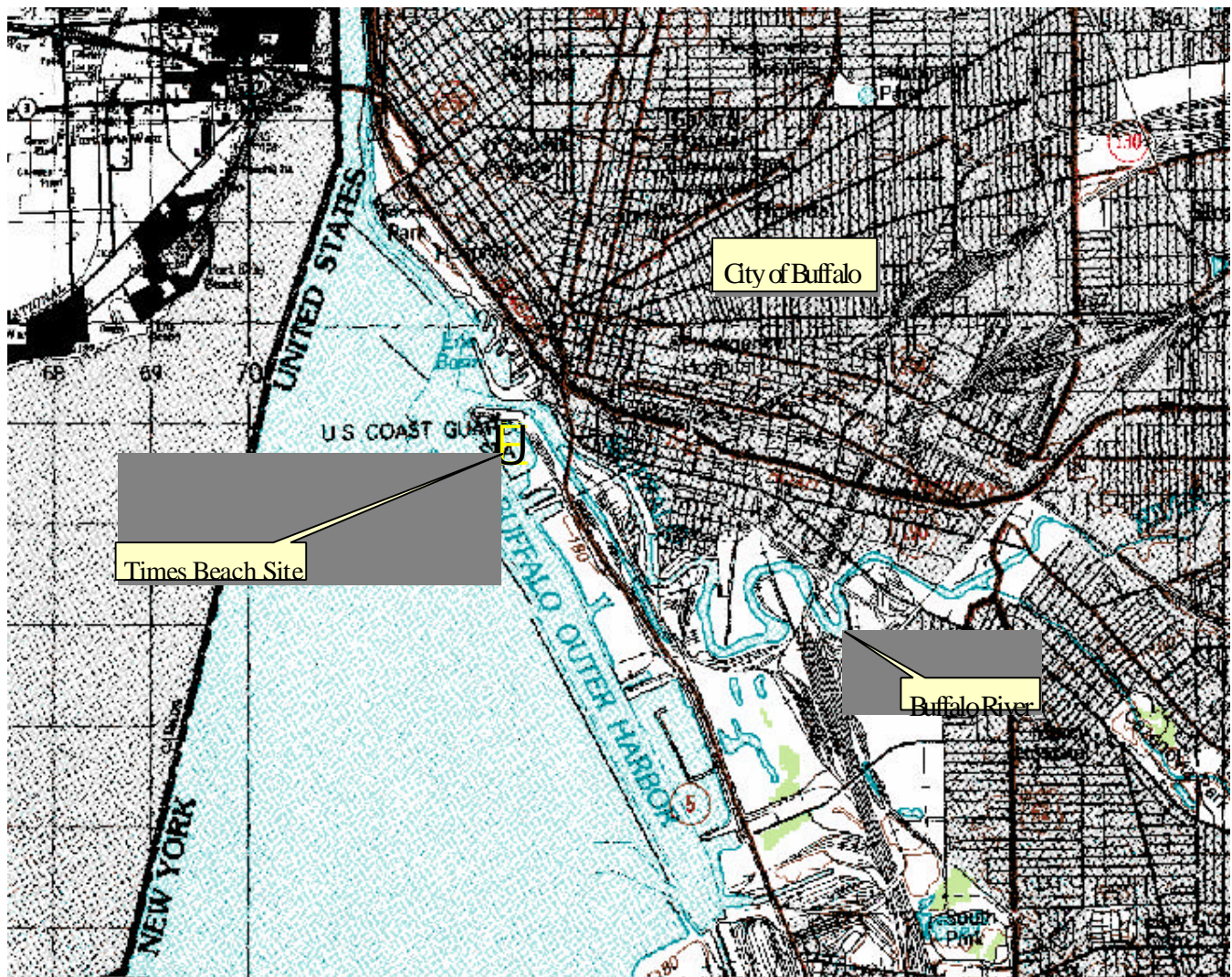


Figure 1: Times Beach Site Location

Times Beach Feasibility Study  
U.S.G.S. Topographic Survey  
Buffalo, New York (1962)